

1 BILL NO. G-89-10-28 (as amended)

2 GENERAL ORDINANCE NO. G-27-89.

3 AN ORDINANCE amending Section 14.5-  
4 12(b)(1) of Chapter 14.5 of the City  
Code of Fort Wayne, Indiana.

5 WHEREAS, Section 14.5-12(b)(1) currently provides  
6 any person, whether as principal, agent, owner, lessee,  
7 tenant, contractor, builder, architect, engineer, or  
8 otherwise who violates any provision of this chapter shall  
9 be guilty of a misdemeanor and upon conviction shall be  
10 punished by a fine as follows, for each offense;

11 WHEREAS, said use of the term misdemeanor is  
12 incorrect;

13 WHEREAS, the term violation should apply;

14 WHEREAS, Section 14.5-12(b)(1)-b. currently  
15 provides for not less than ten dollars (\$10.00) nor more  
16 than three hundred dollars (\$300.00) for all other offenses  
17 to be paid by individuals in violation of the ~~historic~~ <sup>municipal</sup>  
18 ~~district zoning code.~~ *dealing with historic districts.*

19 WHEREAS, said penalty is inadequate to compensate  
20 for the staff time required to process such violations;

21 WHEREAS, an increase in the penalty for said  
22 ~~zoning code~~ violations would be appropriate;

23 NOW, THEREFORE, BE IT ORDAINED BY THE  
24 COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

25 SECTION 1. Sec. 14.5-12(b)(1) of Chapter 14.5 of  
26 the City Code of Fort Wayne, Indiana, is hereby amended to  
27 read as follows:

28 (b) Penalties:

29 (1) Any person, whether as principal, agent,  
30 owner, lessee, tenant, contractor,  
31 builder, architect, engineer, or  
32 otherwise who violates any provision of  
this chapter shall pay a fine, as  
follows for each offense:

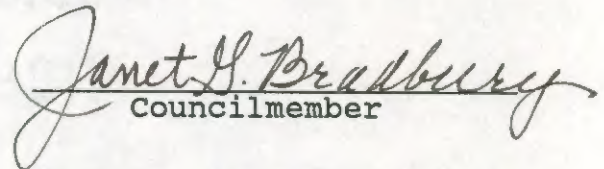
a. Not less than ten dollars (\$10.00)  
nor more than twenty five hundred  
dollars (\$2,500.00) for demolition.

b. Not less than ten dollars (\$10.00) nor more  
than one thousand dollars (\$1,000.00) for all  
other offenses.




SECTION 2. That the revised penalty shall apply to all violations after January 1, 1990.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and any and all necessary publication.

  
Councilmember

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



Read the first time in full and on motion by Bradbury, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: \_\_\_\_\_

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Long, and duly adopted, placed on its passage. PASSED ~~Best~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>	<u>1</u>		
BRADBURY	<u>✓</u>			
BURNS		<u>✓</u>		
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 12-12-89.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) General (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. D-27-89. on the 12th day of December, 1989.

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

SEAL  
Charles S. Redd  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989 at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

December 19, 1989

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of  
December 22 and December 29, 1989, in both the News Sentinel  
and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. X-89-11-36  
Annexation Ordinance No. X-05-89  
East End Annexation

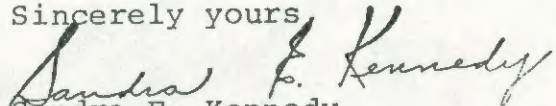
Bill No. X-89-11-37  
Annexation Ordinance No. X-06-89  
East End Annexation

Bill No. G-89-10-28 (as amended)  
General Ordinance No. G-27-89  
Amending Chapter 14.5 of the City Code

Please send us 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 3



Notice is hereby given that on the 12th day of  
December, 19 89, the Common Council of the City  
of Fort Wayne, Indiana, in a Regular Session did pass  
the following Bill No. G-89-10-28 (as amended) -- General  
Ordinance No. G-27-89 to-wit:

BILL NO. G-89-10-28 (*as amended*)

GENERAL ORDINANCE NO. G-27-89.

AN ORDINANCE amending Section 14.5-12(b)(1) of Chapter 14.5 of the City Code of Fort Wayne, Indiana.

WHEREAS, Section 14.5-12(b)(1) currently provides any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine as follows, for each offense;

WHEREAS, said use of the term misdemeanor is incorrect;

WHEREAS, the term violation should apply;

WHEREAS, Section 14.5-12(b)(1)-b. currently provides for not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for all other offenses to be paid by individuals in violation of the Municipal dealing with historic districts.

WHEREAS, said penalty is inadequate to compensate for the staff time required to process such violations;

WHEREAS, an increase in the penalty for said violations would be appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Sec. 14.5-12(b)(1) of Chapter 14.5 of the City Code of Fort Wayne, Indiana, is hereby amended to read as follows:

(b) Penalties:

(1) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this chapter shall pay a fine, as follows for each offense:

a. Not less than ten dollars (\$10.00) nor more than twenty five hundred dollars (\$2,500.00) for demolition.

b. Not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for all other offenses.



1  
2 SECTION 2. That the revised penalty shall apply  
3 to all violations after January 1, 1990.

4 SECTION 3. That this ordinance shall be in full  
5 force and effect from and after its passage and any and all  
6 necessary approval by the Mayor and any and all necessary  
7 publication.

8 Janet G. Bradbury

9 *Janet G. Bradbury*  
Councilmember

10  
11 Read the third time in full and on motion by Bradbury,  
seconded by Henry, and duly adopted, placed on its passage. PASSED  
by the following vote:

Ayes: Eight  
Bradbury, Edmonds, GiaQuinta, Henry, Long,  
Redd, Schmidt, Talarico  
Nays: One  
Burns  
Abstained: None  
Absent: None

DATED: 12-12-89

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City  
of Fort Wayne, Indiana, as General Ordinance No. G-27-89, on the  
12th day of December, 1989

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Charles B. Redd  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 13th day of December, 1989, at the hour of 11:30  
o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1989,  
at the hour of 8:00 o'clock A.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify  
that the above and foregoing is a full, true and complete copy of  
General \_\_\_\_\_ Ordinance No. G-27-89,  
passed by the Common Council on the 12th day of  
December, 19 89, and that said Ordinance was  
duly signed and approved by the Mayor on the 18th day of  
December, 19 89, and now remains on file and  
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,  
Indiana, this 18th day of December, 19 89.

SEAL

*Sandra E. Kennedy*  
SANDRA E. KENNEDY, CITY CLERK



Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

*as amended*  
*8-89-10-28*

DEPARTMENT REQUESTING ORDINANCE ECONOMIC DEVELOPMENT

SYNOPSIS OF ORDINANCE CHANGE IN PENALTY FOR VIOLATION OF THE

ZONING CODE OF THE HISTORIC ZONING DISTRICT.

EFFECT OF PASSAGE WILL RESULT IN A MORE ACCURATE APPLICATION FEE

STRUCTURE WHICH ADEQUATELY COVERS ADMINISTRATIVE AND PROCESSING  
costs.

EFFECT OF NON-PASSAGE opposite of above

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_



# C&ED

## COMMUNITY & ECONOMIC DEVELOPMENT

### MEMORANDUM

TO: CITY COUNCIL MEMBERS

FROM: GREG PURCELL, DIRECTOR, COMMUNITY & ECONOMIC DEVELOPMENT

DATE: NOVEMBER 29, 1989

SUBJECT: AMENDMENT TO HISTORIC PRESERVATION ORDINANCE

#### Background

In 1984, City Council approved the existing Historic Preservation and Protection Ordinance which became Chapter 14.5 of Fort Wayne's Municipal Code. Under Section 14.5-12 (b) (1), violations of any provision within this chapter constitute a misdemeanor. In addition, the current penalties outlined in Section 14.5-12 (b) (1)-b provides for not less than ten dollars (\$10.00) nor more than twenty-five hundred dollars (\$2,500) for demolition and not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300) for all other offenses.

#### Reasons for Amendment

The use of the term misdemeanor in this chapter is incorrect. The appropriate term should be violation in accordance with Indiana law. In an effort to provide an adequate application fee structure for the processing of legal action against violators, and to bring the Historic Preservation Ordinance in line with other existing city ordinances, the maximum penalty for violations other than demolition should be amended as follows:

	<u>Existing Fine</u>	<u>Proposed Fine</u>
Violation of Any Provision	\$10 - \$300	\$10 - \$1,000
Violation for Unauthorized Demolition	\$10 - \$2500	\$10 - \$2500



Recommendation

We recommend Council adopt the proposed revisions to Chapter 14.5 of the municipal code to ensure compliance with state law while providing the adequate funding to appropriately enforce this legislation.

rl

cc: Richard LaRowe



BILL NO. G-89-10-28

as amended } See  
as amended } p.  
(1)

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON \_\_\_\_\_ REGULATIONS \_\_\_\_\_ TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Section 14.5-  
12(b) (1) of Chapter 14.5 of the City Code of Fort Wayne, Indiana

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Janet G. Bradbury</u>			
<u>David C. Long</u>			
<u>Samuel J. Talarico</u>			
<u>Clitius Edmond</u>			

DATED: 12-12-89

Sandra E. Kennedy  
City Clerk



Fort Wayne Common Council To: The Journal-Gazette Dr.  
(Governmental Unit) P.O. Box 100  
Allen County, Indiana Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines  
Head -- number of lines  
Body -- number of lines  
Tail -- number of lines  
Total number of lines in notice

COMPUTATION OF CHARGES

100 lines, 1 columns wide equals 100 equivalent lines  
at .495 cents per line \$ 49.50  
Additional charge for notices containing rule or tabular work (50 percent of above amount)  
Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 2.00  
TOTAL AMOUNT OF CLAIM \$ 51.50

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 2  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred  
Date: December 29, 19 89 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )  
Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:  
12/22, 29/89

Nicole Allred  
Subscribed and sworn to before me this 29th day of December, 19 89  
Shelley R. Larue  
Notary Public Whitley County, IN  
SHELLEY R. LARUE  
My commission expires March 3, 1990



Fort Wayne Common Council  
(Governmental Unit)  
Allen  
County, Indiana

To: The News-Sentinel  
P.O. Box 100  
Fort Wayne, IN Dr.

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97

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Date: December 29, 19 89

Title: Clerk

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State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time(s), the dates of publication being as follows:

12/22, 29/89

Subscribed and sworn to before me this 29th day of December, 19 89

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1990



Fort Wayne Common Council  
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

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Subscribed and sworn to before me this 29th day of December, 19 89

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires March 3, 1990

LEGAL NOTICE  
Notice is hereby given that on the 12th day of December, 1989, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-89-10-28 (as amended) -- General Ordinance No. G-27-89 to-wit: BILL NO. G-89-10-28 (as amended) GENERAL ORDINANCE NO. G-27-89 AMENDING SECTION 14.5-12 (b) (1) OF CHAPTER 14.5 OF THE CITY CODE OF FORT WAYNE, INDIANA. WHEREAS, Section 14.5-12 (b) (1) currently provides any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine as follows, for each offense: WHEREAS, said use of the term misdemeanor is correct; WHEREAS, the term violation should apply: WHEREAS, Section 14.5-12 (b) (1) -b, currently provides for not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for all other offenses to be paid by individuals in violation of the municipal dealing with historic districts. WHEREAS, said penalty is inadequate to compensate for the staff time required to process such violations: WHEREAS, an increase in the penalty for said violations would be appropriate: NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA: SECTION 1. Sec. 14.5-12 (b) (1) of Chapter 14.5 of the City Code of Fort Wayne, Indiana, is hereby amended to read as follows: (b) Penalties: (1) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this chapter shall pay a fine, as follows for each offense: a. Not less than ten dollars (\$10.00) nor more than twenty five hundred dollars (\$2,500.00) for demolition. b. Not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for all other offenses. SECTION 2. That the revised penalty shall apply to all violations after January 1, 1990. SECTION 3. That this ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and any and all necessary publication.

Janet G. Bradbury  
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight  
Bradbury, Edmonds, GiaQuinta, Henry, Long, Redd, Schmidt, Talarico  
Nays: One  
Burns  
Abstained: None  
Absent: None

Sandra E. Kennedy  
City Clerk

DATED: 12-12-89  
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-27-89, on the 12th day of December, 1989

Charles B. Redd  
Presiding Officer

ATTEST:  
Sandra E. Kennedy  
City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1989, at the hour of 8:00 o'clock A.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-27-89, passed by the Common Council on the 12th day of December, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 18th day of December, 1989, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 18th day of December, 1989.

SANDRA E. KENNEDY, CITY CLERK



Fort Wayne Common Council  
(Governmental Unit)  
Allen  
County, Indiana

To: The News-Sentinel  
P.O. Box 100  
Fort Wayne, IN  
Dr.

PUBLISHER'S CLAIM

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Nicole Allred

, 19 89

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time ( s ) , the dates of publication being as follows:

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Shelley R. Larue

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1990

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WHEREAS, Section 14.5-12 (b) (1) currently provides any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine as follows, for each offense;  
WHEREAS, said use of the term misdemeanor is incorrect;  
WHEREAS, the term violation should apply;  
WHEREAS, Section 14.5-12 (b) (1) -b. currently provides for not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for all other offenses to be paid by individuals in violation of a municipal dealing with historic districts.  
WHEREAS, said penalty is inadequate to compensate for the staff time required to process such violations;  
WHEREAS, an increase in the penalty for said violations would be appropriate;  
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:  
SECTION 1. Sec. 14.5-12 (b) (1) of Chapter 14.5 of the City Code of Fort Wayne, Indiana, is hereby amended to read as follows:  
(b) Penalties.  
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Janet G. Bradbury  
Councilmember  
Passed the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage, PASSED by the following vote:  
Ayes: Eight  
Bradbury, Edmonds, GiaQuinta, Henry, Long, Todd, Schmidt, Talarico  
Nays: One  
Burns  
Abstained: None  
Absent: None  
Sandra E. Kennedy  
City Clerk  
DATED: 12-12-89  
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Presiding Officer  
TEST:  
Sandra E. Kennedy  
City Clerk  
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of December, 1989, at the hour of 11:30 o'clock A.M., E.S.T.  
Sandra E. Kennedy  
City Clerk  
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Paul Helmke  
Mayor  
The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. 27-89, passed by the Common Council on the 12th day of December, 1989, and that said Ordinance was duly signed and approved by the Mayor on the 18th day of December, 1989, and now remains on file and record in my office.  
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 18th day of December, 1989.  
SANDRA E. KENNEDY, CITY CLERK  
2-22-29